

REMARKS/ARGUMENTS

Claims 16-35 in the case are pending. Claims 16-24, 26-28, 34 and 35 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out the distinctly claim the subject matter which applicant regards as the invention. Claims 16-19, 21-25 and 33 have been rejected under 35 U.S.C. §102(b) as being anticipated by Flora et al, U.S. Patent No. 5,711,397.

The undersigned greatly appreciates the courtesies extended by Examiner Hugh Thompson during the personal interview with Mr. Eric Reeves at the Patent and Trademark Office on January 28, 2005. A proposed claim was presented to the examiner for discussion during the interview. The examiner noted certain structural features of the invention that appeared to be novel over the art of record—namely, the pivoting attachment of the pawl, and receipt of the pawl teeth into respective closed-sided apertures formed with the cross-member. Applicant also presented an existing commercial device (Guardian's Beamer 2000™) and distinguished this device from the claimed invention, as discussed below.

In view of the above, the application has been amended to add new claims 36-47. Base claim 36 recites an anchorage device including an elongated cross-member and first and second clamps. The cross-member defines a plurality of longitudinally-spaced apertures. Each aperture is formed within a *closed-sided perimeter*, as indicated in the drawings at reference numeral 14. See, e.g., Fig. 2. The first clamp is slidably mounted for movement along the cross-member relative to the second clamp. The first clamp includes a *pivoted pawl* having a pair of teeth, and an engagement portion for receiving a force sufficient to pivot the pawl from a clamp-locking position to a clamp-releasing position. In the clamp-releasing position, the teeth are pivoted away from the cross-member, such that the first clamp is freely slidable along the cross-member relative to the second clamp. In the clamp-locking position, the teeth move into respective spaced

apertures of the cross-member, thereby locking the first clamp in a fixed condition on the cross-member relative to the second clamp.

With regard to the art cited, Flora describes an anchorage device including a cross-member and cooperating first and second clamps. The cross-member defines longitudinally-spaced openings intended to selectively receive a locking pin through a slide housing of the first clamp to secure the first clamp in a desired fixed location relative to the second clamp. Flora does not disclose, teach or suggest an anchorage device including a sliding clamp, as presently claimed. Specifically, the clamp of Flora does not have a pivoted pawl, multiple pawl teeth for entering respective apertures formed with the cross-member, or an engagement portion for receiving a force sufficient to pivot the pawl relative to the cross-member from a clamp-locking position to a clamp-releasing position.

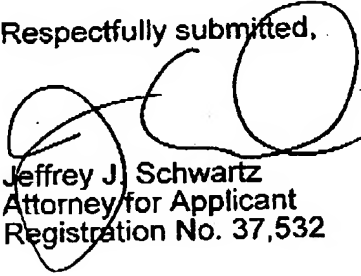
Other prior art anchorage devices, such as described in U.S. Patent Nos. 4,541,155 (Gagnon) and 6,076,633 (Whitmer) utilize a clamp with meshing teeth and a threaded locking pin to fix the position of the clamp along a cross-member. These prior art devices do not incorporate a *pivoted pawl* for conveniently releasing the clamp, nor are the teeth ("serrations") formed within respective *closed-sided perimeters*.

Yet another prior art device incorporates a sliding clamp including a pivoted pawl and a *single tooth* for being selectively received within one of several longitudinally-spaced openings along a cross-member. (See Guardian reference). This prior art device incorporates an expensive, high-strength cross-member intended to provide greater strength and resistance to failure. In practice, however, Applicant has learned that a *softer and thinner material* actually offers superior performance through increased energy absorption and distortion prior to failure. In order to utilize the advantages of this *counter-intuitive* material construction, Applicant's anchorage device incorporates a *second pawl tooth* which together with the first tooth and the closed-side apertures formed with the cross-member cooperate to securely lock the sliding clamp in a fixed condition. There is

no incentive or motivation in the prior art to provide an anchorage device with a pivoting pawl and multiple teeth, as presently claimed.

For all these reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore respectfully requested at an early date. If the Examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,


Jeffrey J. Schwartz
Attorney for Applicant
Registration No. 37,532

Jeffrey J. Schwartz
Schwartz Law Firm, P.C.
SouthPark Towers
6100 Fairview Road, Suite 530
Charlotte, North Carolina 28210
Tel: 704-552-1889
Fax: 704-552-1866
Email: jjis@schwartz-iplaw.com